

FIRST REGULAR SESSION

# HOUSE BILL NO. 343

## 92ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES BURNETT, DOUGHERTY, LeVOTA,  
YOUNG (Co-sponsors) AND MEINERS.

Read 1<sup>st</sup> time January 30, 2003, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1374L.011

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### AN ACT

To repeal section 160.405, RSMo, and to enact in lieu thereof one new section relating to background checks for charter school key personnel.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 160.405, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 160.405, to read as follows:

160.405. 1. A person, group or organization seeking to establish a charter school shall submit the proposed charter, as provided in this section, to a sponsor. If the sponsor is not a school board, the applicant shall give a copy of its application to the school board of the district in which the charter school is to be located, when the application is filed with the proposed sponsor. The school board may file objections with the proposed sponsor, and, if a charter is granted, the school board may file objections with the state board of education. The charter shall include a mission statement for the charter school, a description of the charter school's organizational structure and bylaws of the governing body, which will be responsible for the policy and operational decisions of the charter school, **a sworn affidavit that the corporate officers of the nonprofit corporation and members of the governing board of the school have successfully completed a criminal background record check and a child abuse registry check**, a financial plan for the first three years of operation of the charter school including provisions for annual audits, a description of the charter school's policy for securing personnel services, its personnel policies, personnel qualifications, and professional development plan, a description of the grades or ages of students being served, the school's calendar of operation, which shall include at least the equivalent of a full school term as defined in section 160.011, and

17 an outline of criteria specified in this section designed to measure the effectiveness of the school.

18 The charter shall also state:

19 (1) The educational goals and objectives to be achieved by the charter school;

20 (2) A description of the charter school's educational program and curriculum;

21 (3) The term of the charter, which shall be not less than five years, nor greater than ten  
22 years and shall be renewable;

23 (4) A description of the charter school's pupil performance standards, which must meet  
24 the requirements of subdivision (6) of subsection 5 of this section. The charter school program  
25 must be designed to enable each pupil to achieve such standards; and

26 (5) A description of the governance and operation of the charter school, including the  
27 nature and extent of parental, professional educator, and community involvement in the  
28 governance and operation of the charter school.

29 2. Proposed charters shall be subject to the following requirements:

30 (1) A charter may be approved when the sponsor determines that the requirements of this  
31 section are met and determines that the applicant is sufficiently qualified to operate a charter  
32 school. The sponsor's decision shall be made within sixty days of the filing of the proposed  
33 charter;

34 (2) If the charter is denied, the proposed sponsor shall notify the applicant in writing as  
35 to the reasons for its denial;

36 (3) If a proposed charter is denied by a sponsor, the proposed charter may be submitted  
37 to the state board of education, along with the sponsor's written reasons for its denial. If the state  
38 board determines that the applicant meets the requirements of this section and that granting a  
39 charter to the applicant would be likely to provide educational benefit to the children of the  
40 district, the state board may grant a charter and act as sponsor of the charter school; and

41 (4) The sponsor of a charter school shall give priority to charter school applicants that  
42 propose a school oriented to high-risk students and to the reentry of dropouts into the school  
43 system. If a sponsor grants three or more charters, at least one-third of the charters granted by  
44 the sponsor shall be to schools that actively recruit dropouts or high-risk students as their student  
45 body and address the needs of dropouts or high-risk students through their proposed mission,  
46 curriculum, teaching methods, and services. For purposes of this subsection, a "high-risk"  
47 student is one who is at least one year behind in satisfactory completion of course work or  
48 obtaining credits for graduation, pregnant or a parent, homeless or has been homeless sometime  
49 within the preceding six months, has limited English proficiency, has been suspended from  
50 school three or more times, or has been referred by the school district for enrollment in an  
51 alternative program. "Dropout" shall be defined through the guidelines of the school core data  
52 report. The provisions of this subsection do not apply to charters sponsored by the state board

53 of education.

54           3. If a charter is approved by a sponsor, it shall be submitted to the state board of  
55 education which may, within forty-five days, disapprove the granting of the charter. The state  
56 board of education may disapprove a charter only on grounds that the application fails to meet  
57 the requirements of sections 160.400 to 160.420.

58           4. Any disapproval of a charter pursuant to subsection 3 of this section shall be subject  
59 to judicial review pursuant to chapter 536, RSMo.

60           5. A charter school shall, as provided in its charter:

61           (1) Be nonsectarian in its programs, admission policies, employment practices, and all  
62 other operations;

63           (2) Comply with laws and regulations of the state relating to health, safety, and minimum  
64 educational standards;

65           (3) Except as provided in sections 160.400 to 160.420, be exempt from all laws and rules  
66 relating to schools, governing boards and school districts;

67           (4) Be financially accountable, use practices consistent with the Missouri financial  
68 accounting manual, provide for an annual audit by a certified public accountant, and provide  
69 liability insurance to indemnify the school, its board, staff and teachers against tort claims. For  
70 the purposes of securing such insurance, a charter school shall be eligible for the Missouri public  
71 entity risk management fund pursuant to section 537.700, RSMo. A charter school that incurs  
72 debt must include a repayment plan in its financial plan;

73           (5) Provide a comprehensive program of instruction for at least one grade or age group  
74 from kindergarten through grade twelve, which may include early childhood education if funding  
75 for such programs is established by statute, as specified in its charter;

76           (6) Design a method to measure pupil progress toward the pupil academic standards  
77 adopted by the state board of education pursuant to section 160.514, collect baseline data during  
78 at least the first three years for determining how the charter school is performing and to the  
79 extent applicable, participate in the statewide system of assessments, comprised of the essential  
80 skills tests and the nationally standardized norm-referenced achievement tests, as designated by  
81 the state board pursuant to section 160.518, complete and distribute an annual report card as  
82 prescribed in section 160.522, report to its sponsor, the local school district, and the state board  
83 of education as to its teaching methods and any educational innovations and the results thereof,  
84 and provide data required for the study of charter schools pursuant to subsection 3 of section  
85 160.410. No charter school will be considered in the Missouri school improvement program  
86 review of the district in which it is located for the resource or process standards of the program.  
87 Nothing in this paragraph shall be construed as permitting a charter school to be held to lower  
88 performance standards than other public schools within a district; however, the charter of a

89 charter school may permit students to meet performance standards on a different time frame as  
90 specified in its charter;

91 (7) Assure that the needs of special education children are met in compliance with all  
92 applicable federal and state laws and regulations.

93 6. The charter of a charter school may be amended at the request of the governing body  
94 of the charter school and on the approval of the sponsor. The sponsor and the governing board  
95 and staff of the charter school shall jointly review the school's performance, management and  
96 operations at least once every two years.

97 7. (1) A sponsor may revoke a charter at any time if the charter school commits a serious  
98 breach of one or more provisions of its charter or on any of the following grounds: failure to  
99 meet academic performance standards as set forth in its charter, failure to meet generally  
100 accepted standards of fiscal management, or violation of law.

101 (2) The sponsor may place the charter school on probationary status to allow the  
102 implementation of a remedial plan, after which, if such plan is unsuccessful, the charter may be  
103 revoked.

104 (3) At least sixty days before acting to revoke a charter, the sponsor shall notify the board  
105 of directors of the charter school of the proposed action in writing. The notice shall state the  
106 grounds for the proposed action. The school's board of directors may request in writing a hearing  
107 before the sponsor within two weeks of receiving the notice.

108 (4) The sponsor of a charter school shall establish procedures to conduct administrative  
109 hearings upon determination by the sponsor that grounds exist to revoke a charter. Final  
110 decisions of a sponsor from hearings conducted pursuant to this subsection are subject to judicial  
111 review pursuant to chapter 536, RSMo.

112 (5) A termination shall be effective only at the conclusion of the school year, unless the  
113 sponsor determines that continued operation of the school presents a clear and immediate threat  
114 to the health and safety of the children.

115 8. A school district may enter into a lease with a charter school for physical facilities.  
116 A charter school may not be located on the property of a school district unless the district  
117 governing board agrees.

118 9. A governing board or a school district employee who has control over personnel  
119 actions shall not take unlawful reprisal against another employee at the school district because  
120 the employee is directly or indirectly involved in an application to establish a charter school. A  
121 governing board or a school district employee shall not take unlawful reprisal against an  
122 educational program of the school or the school district because an application to establish a  
123 charter school proposes the conversion of all or a portion of the educational program to a charter  
124 school. As used in this subsection, "unlawful reprisal" means an action that is taken by a

125 governing board or a school district employee as a direct result of a lawful application to  
126 establish a charter school and that is adverse to another employee or an educational program.